



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/167,516 10/16/98 THE EVER

M 20010-44808

SEED AND BERRY  
6300 COLUMBIA CENTER  
SEATTLE WA 98104-7092

0232/1403

NOT ASSIGNED

164

DATE MAILED:

11/03/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 1212.00

1. The statutory basic filing fee is:

missing  
 insufficient

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 22.00, including any multiple dependent claim fees, are required.

\$ 22.00 for 1 independent claims over 3.

\$ 22.00 for 1 dependent claims over 20.

\$ 270.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.16(m)).

7. Your filing receipt was mailed in error because your check was returned without payment (37 CFR 1.27).

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be return with the reply.

SARAYA



PATENT

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I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231.

April 28, 1999

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*M. A. Scarlett*

Millicent A. Scarlett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Martin A. Cheever and Mary L. Disis  
Application No. : 09/167,516  
Filed : October 6, 1998  
For : COMPOUNDS FOR ELICITING OR ENHANCING IMMUNE  
REACTIVITY TO HER-2/neu PROTEIN FOR PREVENTION OR  
TREATMENT OF MALIGNANCIES IN WHICH THE HER-2/neu  
ONCOGENE IS ASSOCIATED

Art Unit : 1642  
Docket No. : 920010.448C8  
Date : April 28, 1999

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner:

In response to the Notice to File Missing Parts dated November 3, 1998, please find enclosed Form PTO-1533 and a Petition for an Extension of Time, extending the time for response from January 3, 1999 to May 3, 1999 and for the above-identified application.

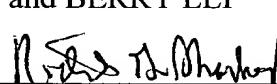
Also enclosed is a General Authorization Under 37 C.F.R. § 1.136(a)(3).

The fees have been calculated in accordance with Applicants' large entity status as follows:

Basic Fee	\$ 760
Total Claims (21, 1 extra)	18
Independent Claims (2, 0 extra)	0
Multiple Dependent Claims Surcharge	260
Missing Parts Surcharge	130
Total	\$ 1,168
Extension-of-Time Fee	1,360
<b>TOTAL</b>	<b>\$ 2,528</b>

Enclosed is a check in the amount of \$2,528 for the requisite fees. The Assistant Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 19-1090. A duplicate copy of this response is enclosed.

Respectfully submitted,  
SEED and BERRY LLP

  
Richard G. Sharkey, Ph.D.  
Registration No. 32,629

RGS:mas

Enclosures:

- Postcard
- Check for \$2,528
- Copy of this Response
- Form PTO-1533
- Petition for an Extension of Time (+ 2 copies)
- General Authorization Under 37 C.F.R. § 1.136(a)(3)

6300 Columbia Center  
701 Fifth Avenue  
Seattle, Washington 98104-7092  
(206) 622-4900  
Fax: (206) 682-6031



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

: Martin A. Cheever and Mary L. Disis

Application No.

: 09/167,516

Filed

: October 6, 1998

For

: COMPOUNDS FOR ELICITING OR ENHANCING IMMUNE  
REACTIVITY TO HER-2/*neu* PROTEIN FOR PREVENTION OR  
TREATMENT OF MALIGNANCIES IN WHICH THE HER-2/*neu*  
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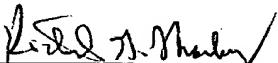
Assistant Commissioner for Patents  
Washington, DC 20231

GENERAL AUTHORIZATION UNDER 37 C.F.R. § 1.136(a)(3)

Assistant Commissioner:

With respect to the above-identified application, the Assistant Commissioner is authorized to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a)(3) for its timely submission as incorporating a petition therefor for the appropriate length of time. The Assistant Commissioner is also authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-1090.

Respectfully submitted,  
SEED and BERRY LLP

  
Richard G. Sharkey, Ph.D.  
Registration No. 32,629

RGS:mas

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